(2)

SINGLE BENCH

CF 1002 (4)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

(5)

W.P. No. 945 /2007

PETITIONER: Hemant Dewangan S/o Late Shri S. N. Dewangan , Aged 40 year's Working as Asst. Teacher (Tribal Department) at Govt. Middle School, Mongrapal, Jagdalpur, Dist Bastar (C.G.)

F.R. No. 11961/07 Anand Kesh
Presented by Shri 9/2/07
dated

VERSUS

RESPONDENTS

1. State of Chhattisgarh through the Secretary Tribal Welfare Department D.K.S. Bhawan, Mantralaya, Raipur (Chhattisgarh)

2. Commissioner, Tribal Welfare Department, Pt.Ravishankar University campus, Raipur (C.G.)

3. Asst. Commissioner, Tribal Welfare Department, Jagdalpur Distt. Bastar (C.G.)

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PETITION UNDER ARTICLES 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT OF MANDAMUS AND CERTIORARI ETC. OR DIRECTION/ORDER OF LIKE NTURE ETC :-

OATH COMMISSIONER APARNA

(95)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 945 of 2007

Petitioners : Hemant Dewangan

Versus

Respondents : State of Chhattisgarh and others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Present: Mr. Manoj Chauhan, Advocate for the petitioner.

Ms. Sunita Jain, Panel Lawyer for State/respondents.

O R D E R

(Passed on this 20th Day of February, 2007)

1. The petitioner was appointed on 13.1.1987 as Assistant Teacher on fixed pay scale of Rs. 300/-. After completion of one year probation, they were granted regular pay scale of Rs. 975-1650/-.
2. Learned counsel appearing for the petitioner submits that the issue involved in the case is asto whether, the petitioner is entitled to regular pay scale w.e.f. the date of initial appointment or after completion of probation period.
3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken-up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed

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by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the petitioner further submits that this Court, while considering the same issue in Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others (W.P. (S) No. 5976 of 2006) by order dated 7-11-2006, has granted regular pay scale w.e.f. the date of initial appointment.

5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others (Supra).

6. In view of that this petition is allowed in the same terms. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge